

IN THE SENATE

SENATE BILL NO. 1088, As Amended

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING SECTION 49-1807A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REFUSAL TO RELEASE A VEHICLE; AND AMENDING SECTION 49-1812, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO CLAIMING CERTAIN VEHICLES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1807A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1807A. UNAUTHORIZED REMOVAL OF VEHICLE -- REFUSAL TO RELEASE VEHICLE. (1) Any towing firm, employee or agent thereof called to the scene of an accident or disabled vehicle by an authorized officer and requested to remove a vehicle shall remove the vehicle and take it to the nearest garage or other place of safety as directed by the officer or, except as otherwise provided in this chapter, shall take the vehicle to such place as the owner or his authorized agent may reasonably request. The towing firm, employee or agent shall not be entitled to recover any storage, impound fees or other fees, except the scheduled tow fee, if the firm, employee or agent:

(a) Removes the vehicle to a place other than as directed by the officer or as reasonably requested by the owner or his authorized agent; or

(b) After removing the vehicle, refuses to release the vehicle to the owner, ~~or~~ his authorized agent, insurance representative or lienholder for any reason other than the refusal of the owner, ~~or~~ authorized agent, insurance representative or lienholder to pay the fees to which the towing firm is lawfully entitled. The refusal of the owner, ~~or~~ his authorized agent, insurance representative or lienholder to pay fees to which the towing firm, employee or agent is not entitled pursuant to this subsection shall not be cause for the towing firm, employee or agent to refuse to release the vehicle.

(2) Upon release of the vehicle to the legal or registered owner, authorized agent or insurance representative, the towing company shall provide an itemized statement containing the following:

- (a) Location from which the vehicle was towed;
- (b) Storage location of the vehicle;
- (c) Name, address and telephone number of the tow company;
- (d) Year, make and model of the vehicle towed;
- (e) License plate number of the vehicle towed;
- (f) Itemized cost of towing and recovery charges;
- (g) Daily storage charge and number of days stored.

SECTION 2. That Section 49-1812, Idaho Code, be, and the same is hereby amended to read as follows:

1 49-1812. CLAIMING OF VEHICLES. (1) The owner of any vehicle removed
2 under the provisions of this chapter except those vehicles impounded for in-
3 vestigation or suspected stolen, may take possession of the vehicle at any
4 time prior to sale by proving ownership and paying the costs relative to tow-
5 ing and storing the vehicle and costs of advertising except as otherwise pro-
6 vided in section 49-1805, Idaho Code.

7 (2) A lienholder of any vehicle removed under the provisions of this
8 chapter except those vehicles impounded for investigation or suspected
9 stolen, may take possession of the vehicle at any time prior to the sale by
10 proving the presence of the lien and by paying the costs relative to towing
11 and storing the vehicle and costs of advertising. The lienholder may also
12 take possession of the vehicle by purchasing the vehicle at the sale. Noth-
13 ing in this chapter shall be construed to abate any cause of action that a
14 lienholder has against the owner of an abandoned vehicle.

15 (3) Any insurer having a claim made against it pertaining to any vehi-
16 cle removed under the provisions of this chapter, except those vehicles im-
17 pounded for investigation or suspected stolen, may take possession of the
18 vehicle at any time prior to the settlement of such claim by proving that the
19 vehicle has been determined by such insurer to be a total loss and by pay-
20 ing the lawfully entitled costs relative to towing and storing the vehicle.
21 The insurer holding facility shall allow access to the vehicle owner or their
22 representative upon the vehicle owner or their representative providing ev-
23 idence of ownership. Personal property unrelated to the vehicle must be re-
24 turned to the vehicle owner. If no total loss settlement is reached, the
25 insurer shall return the vehicle to the original storage facility or other
26 mutually agreed upon location. Any holding facility that releases a vehi-
27 cle consistent with the provisions of this subsection shall be held harm-
28 less for the release of such vehicle. The insurer shall provide the location
29 and telephone number of the insurer holding facility to the vehicle owner or
30 their representative.